

REMARKS

Claims 1-154 are pending. By this Amendment, claims 1-53, 105-150 are cancelled, claims 54 and 151-154 are amended, and new claims 155-209 are added.

Independent claim 54 was amended to recite a thickness range, as supported in the specification, e.g., at page 27 line 20 to page 28 line 3. Dependent claims 168, 169, 188, 189, and 209 were also amended to claim a thickness range, with support as already indicated. Claim 54 was further amended as described below.

Claims 97-99 have been amended as described, below.

Independent claim 151 was amended for clarity and also to specify composition associated with at least a portion of an every expandable portion of an expandable stent, e.g., as supported in Example 10 wherein a stent was coated in its entirety. Dependent claims 186 and 207 similarly directed, and have this same basis of support. Claim 151 was further amended, as described below.

New dependent claims 155-168 have claim 151 as a parent claims and are supported by previously submitted claims, as indicated in the Table, below.

New dependent claim 169 depends from independent claim 54 and is supported by disclosures of thicknesses in the specification, as already stated, above.

New independent claim 170 finds a basis in prior claim 54 and is further directed to a glass transition temperature from about 26 to about 40 degrees Centigrade as supported in the specification, e.g., at page 12, lines 15-19, page 6 lines 1-2, and original claim 47. Dependent claims 167 and 206 are also directed to the same range of glass transition temperatures and are similarly supported.

New independent claim 190 finds a basis in prior claim 54 and is further directed to particular medical devices, with support being found in the specification, e.g., at original claim

94, and, further at page 29 lines 8-9 (implantable lead) and page 22 line 12 (expandable stent, expandable balloon). Dependent claims 187 and 208 are similarly directed.

Table showing relation of new claims to prior claims

Prior Claim	New Claim	New Claim	New claim
	Independent claim 151	Independent claim 170	Independent claim 190
55		171	191
56		172	192
57	155	173	193
58		174	194
59	156	175	195
61	157	176	196
70	158	177	197
71	159	178	198
72	160	179	199
73	161	180	200
74	162	181	201
75	163	182	202
78	164	183	203
81	165	184	204
82	166	185	205

The claims have been rejected under 35 U.S.C. §112 ¶2 for indefiniteness for not specifying the method of calculating an average copolymer molecular weight. Accordingly, claims 54, 151, have been amended to recite a weight average molecular weights.

Similarly, claims 97-99 (see also new claim 170) have been amended to clearly recite a method of calculating glass transition temperature for the claimed copolymer, i.e., differential scanning calorimetry, as supported in the specification, e.g., at page 7 line 19. This approach is a somewhat more direct alternative to using other possible calculation-based methods, e.g., a weight fraction of the monomer units to calculate glass transition temperature, as is known in these arts, e.g., as in the cited reference U.S. Pat. No. 6,530,950 (Alvarado) at column 7 lines 30-50:

$$1/Tg = w_1/Tg^1 + w_2/Tg^2 + w_3/Tg^3 + \dots w_n/Tg^n,$$

wherein w_n refers to the monomer weight fraction in the copolymer and Tg^n refers to the glass transition temperature for a homopolymer of the monomer, with Tg being the glass transition temperature for a copolymer made of n monomers each having a weight fraction and a glass transition temperature.

Rejections under 35 U.S.C. §102(e) in light of Alvarado et al.

Claims 54-75, 77-, 84, 925-104, and 151-154 were rejected under 35 U.S.C. §102(e) for anticipation by U.S. Patent No. 6,530,950 (Alvarado).

Independent claim 54 recites a layer having a thickness of between about 0.1 μm and about 1000 μm . Alvarado does not specify a thickness and therefore does not supply all of the claimed elements. Further, Alvarado et al. teaches forming the polymers as "molded cylinders" (column 13 line 22), suggesting that the polymers should be applied thickly enough to form a molded cylinder, which points to a thickness of polymer greater than the claimed range.

Accordingly, the Examiner is requested to withdraw this rejection of claim 54, its dependent claims (55-104, and 169), and of other claims that recite a thickness (claims 168, 169, 188, 189, 208, and 209).

Independent claim 151 is directed to a composition associated with at least a portion of every expandable portion of an expandable stent. In contrast, Alvarado teaches that only rigid regions of a stent are to be coated, and not the flexible regions, with the rigid portions of the stent of Alvarado being minimally flexible in the radial dimension, see column 4 lines 38-42 and column 12, lines 41-58. Accordingly, Alvarado teaches away from coating expandable portions of a stent and does not anticipate what is claimed. Therefore the Examiner is requisite to withdraw rejection of claim 151, its dependent claims (152-168) and other claims that are directed to coating an expandable stent member (claims 186 and 207).

Independent claim 170 is directed to a copolymer with a glass transition temperature between about 26 and about 40 degrees Centigrade. In contrast, Alvarado teaches that "the polymers of the inventions, as exemplified by those described in Tables 1-6, have glass transition temperatures below 25°C. This property is an important feature of the invention, as it provides an elastomeric polymer capable of expanding radially by means of a balloon catheter. Polymers having a glass transition temperature above 25°C are often not sufficiently elastic at body temperature (approximately 37°C) to readily expand with little or no recoil." Alvarado, Column 10, lines 22-28. Since Alvarado teaches away from the claimed range, the Examiner is requested to withdraw this rejection of independent claim 170 and its dependent claims (171-189) as well as other claims directed to the claimed range (claims 167 and 207).

Independent claim 190 is directed to particular medical devices that are not taught or suggested by Alvarado. Accordingly, the Examiner is requested to withdraw this rejection of claim 190 and its dependent claims (191-209) as well as other claims directed to particular medical devices (claims 187 and 208).

Claim 70 and 72 are directed to functional limitations that the Examiner has indicated to be method limitations. This indication is traversed but is moot in light of the remarks, above.

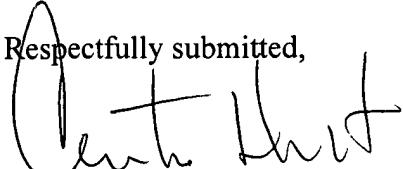
Rejections of claims under 35 U.S.C. § 103(a)

Claims 76, 78-83, 85, and 91 were rejected under 35 U.S.C. § 103(a) in light of Alvarado in view of U.S. Pat. App. 2002/0133183 (Lentz). As pointed out above, Alvarado does not supply certain of the claimed limitations. Lentz does not make up for these defects. Accordingly, the Examiner is requested to withdraw these rejections on the grounds that the cited references do not supply all of the claimed elements.

Claims 86-90 were rejected under 35 U.S.C. § 103(a) in light of Alvarado in view of U.S. Pat. No. 5,843,089 (Sahatjian). As pointed out above, Alvarado does not supply certain of the claimed limitations. Sahatjian does not make up for these defects. Accordingly, the Examiner is requested to withdraw these rejections on the grounds that the cited references do not supply all of the claimed elements.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

Curtis B. Herbert, Ph.D., Esq.
Registration No. 45,443

Customer No. 24113
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-3008